


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X	AFFIDAVIT OF SERVICE 11-CV-02787 (WFK)(RLM)
GERRARD FARMER AND TEDDY FARMER,		
Plaintiffs,		
-against-		
THE CITY OF NEW YORK, POLICE OFFICER HARRY SEPULVEDA (SHIELD NO. 26395) et. als.		
Defendants		
-----	X	

AFFIDAVIT OF SERVICE


I, Johnna Palermo, affirm under penalty of perjury as that on January 6, 2011, I served the annexed Rule 68 and Acceptance by hand delivering a copy to Alexandra Corsi, ACC, 100 Church Street, New York, NY 10007.

Dated: Brooklyn, New York
January 6, 2012


JOHNNA PALERMO
305 BROADWAY, 14TH FLOOR
NEW YORK 10007
(212) 822-1427

On the 6th day of January, 2012, before me personally came and appeared Johnna Palermo, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me that he executed the same.

ROBERT J. MARINELLI
NOTARY PUBLIC-STATE OF NEW YORK
No. 02MA6220272
Qualified In New York County
Commission Expires April 12, 2014


Robert Marinelli
Notary Public

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X	NOTICE OF ACCEPTANCE OF RULE 68 OFFER OF JUDGMENT 11-CV-2787 (WFK)(RLM)
GERRARD FARMER AND TEDDY FARMER,		
Plaintiffs,		
-against-		
THE CITY OF NEW YORK, POLICE OFFICER HARRY SEPULVEDA (SHIELD NO. 26395), POLICE OFFICERS JOHN DOES 1-5.		
Defendants.		
-----	X	

PRELIMINARY STATEMENT

Notice is hereby given, pursuant to Rule 68 of the Federal Rules of Civil Procedure, that plaintiffs Teddy Farmer and Gerard farmer hereby accept Defendants January 4, 2011, Rule 68 Offer of Judgment

DATED: January 6, 2012

New York, New York

Robert Marinelli
305 Broadway, 14th Floor
New York, NY 10007
(212) 822-1427



ROBERT MARINELLI (RM-4242)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
GERRARD FARMER AND TEDDY FARMER,

Plaintiffs,

RULE 68 OFFER OF
JUDGMENT TO PLAINTIFF
TEDDY FARMER

-against-

11 CV 2787 (FB) (RLM)

THE CITY OF NEW YORK, POLICE OFFICER HARRY
SEPULVEDA (SHIELD NO. 26395), DALISH VEVE
(SHIELD NO. 30734), POLICE SERGEANT DANIEL
TUNICK (SHIELD NO. 4103) AND POLICE OFFICERS
JOHN DOES 1-5.

Defendants.
----- X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, the City of New York hereby offers to allow Plaintiff Teddy Farmer to take a judgment against it in this action for the total sum of Five Thousand and One (\$5,001.00) Dollars, plus reasonable attorneys' fees, expenses and costs to the date of this offer for Plaintiff Teddy Farmer's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants City of New York, and Police Officer Harry Sepulveda, or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted up to and including January 18, 2012.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by

defendants City of New York, and Police Officer Harry Sepulveda, or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that Plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants City of New York, and Police Officer Harry Sepulveda, their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by Plaintiff in the above-referenced action.

Acceptance of this offer of judgment also will operate to waive Plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff agrees that payment Five Thousand and One (\$5,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to counsel for Defendants a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, plaintiff agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff further agrees to hold harmless defendants regarding any past and/or future Medicare payments, presently known or unknown made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
January 4, 2012

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants City of New York,
and Police Officer Harry Sepulveda
100 Church Street
New York, New York 10007
212-788-1090

By:



Alexandra Corsi
Assistant Corporation Counsel
Special Federal Litigation Division

TO: Robert Marinelli, Esq. (By HAND)
305 Broadway 14th Floor
New York, NY 10007